

**Lake James H. Perriguey**, OSB No. 983213

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Defendant's attorney

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**ME2 PRODUCTIONS, INC,** and  
**CELL FILM HOLDINGS, LLC.**

Plaintiffs

v.

**WILLIAM PATRICK SHELDON,**

Defendant.

Case No.: 3:17-cv-00158-SB

**DECLARATION OF LAKE  
PERRIGUEY IN SUPPORT OF  
DEFENDANT'S MOTION FOR AN  
AWARD OF ATTORNEY FEES AND  
COSTS**

I, Lake Perriguey hereby declare:

1. I am the attorney in this matter and licensed to practice in Oregon. I make this Declaration from my personal knowledge and in support of Defendant's Motion for an Award of Attorney Fees and Costs (Defendant's Motion).

2. I am an attorney owner of Law Works LLC. I have been an attorney since 1998, and been practicing for almost 20 years. Throughout this time, I have handled numerous cases in state and federal court, as well as serving as court appointed arbitrator in Oregon State Courts. I have been appointed as pro bono counsel in BitTorrent copyright cases, after having been invited by Judge Janice Stewart to serve on the federal court pro bono panel. I am licensed to practice, and regularly appear in, Oregon's state and federal courts.

3. It is my practice to record my time contemporaneously or immediately following the conclusion of a task.

4. Three years ago, the Honorable Michael McShane determined an hourly rate of \$350 per hour was reasonable for the work I perform as an attorney. See *Geiger v. Kithaber*, No. 6:13-cv-01834-MC, slip op at 2 (D. Or. August 19, 2014).

5. Attached as Exhibit 1 to this Declaration is a true copy of a record of the time applied to this case by Defendant's counsel, Lake Perrigüey

6. Attached as Exhibit 2 to Plaintiff's Motion are the relevant portions of the Oregon State Bar Economic Survey from 2012.

**I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY.**

DATED: October 29, 2017

LAW WORKS LLC

s/ Lake James H. Perrigüey

Lake James H. Perrigüey  
OSB No. 983213

CERTIFICATE OF SERVICE

I certify that I served this document on Carl Crowell by ECF on October 20, 2017

s/Lake Perriguet

Lake Perriguet, OSB 983213

Name	Date	Time	Total
review complaint; client consult	05/12/17	1:30	600
file pro bono attorney notice	05/13/17	0:06	40
Prepare Answer to Complaint; review theories and law review article on BitTorrent litigation developments	05/13/17	1:30	600
email from/to Carl re resolution proposal	05/15/17	0:12	80
email from court and confirm Rule 16 conference	05/17/17	0:06	40
telecom with David Madden re strategy and specific request for discovery before opening Sheldon's computer to establish plausability that he is the infringer	05/18/17	0:18	120
telecom with Carl re Rule 26 conference; discovery planning	05/22/17	1:00	400
telecom with Dave Madden re strategy; discovery; briefing on search strings	05/22/17	0:24	160
telecom with Sheldon re settlement offer from Carl	05/23/17	0:06	40
prepare for Rule 16 conference; consult with other counsel re BitTorrent; thorough discovery; competency of data systems on which plaintiff relies to meet obligations under Rule 11; standing; other issues for Rule 16	05/24/17	0:30	200
Rule 16 conference	05/24/17	1:30	600
multiple emails with D. Madden re strategy; review dismissal rules	05/24/17	0:18	120
emails with Carl re new settlement proposal	05/24/17	0:06	40
file updated notice of full representation with court	05/24/17	0:06	40
telecom with Sheldon re Carl's new proposal that Carl will dismiss with prejudice; confirm that no settlement agreement	05/25/17	0:12	80
email to Carl re counter-offer	05/25/17	0:18	120
review Motion to Dismiss; review case law on FRCP Motions; with or without prejudice; email with Sheldon re "agreement to settle" and signing declaration"	05/31/17	0:18	120
meet with Mr. Sheldon and prepare declaration	06/02/17	1:00	400
telecom with Ms. Violette and prepare declaration	06/02/17	0:48	320
research rule 41 motions for voluntary dismissal and responses; right to fees; prejudice	06/03/17	2:30	1000
work on Response to Motion to Dismiss; review case law	06/07/17	1:00	400
finalize Response to Motion to Dismiss	06/11/17	2:00	800
telecom with Carl to confer on Sur Reply	07/05/17	0:06	40
Draft Sur Reply	07/06/17	1:30	600
confer with Carl re Sur Reply	07/05/17	0:06	40
email from court re late ADR; prepare joint ADR report	07/27/17	0:12	80
prepare RFP, RFA, and Interrogatories	07/27/17	1:30	600

prepare RFP and Rogs; serve carl; email to court with proposed extension of discovery deadlines and case management dates	07/31/17	1:00	400
Draft interrogatories and request for production and serve on Carl. Confer with Carl re: set over of discovery deadlines and email to court	08/07/17	1:00	400
receive and review discovery from Crowell; email to court re staying discovery	08/30/17	0:24	160
receive and review decision; call to Sheldon; file Notice of Non-Opposition	09/21/17	0:24	160
prepare and file response to Objections	10/08/17	1:30	600
receive and review Judge Simon Order; Call to Mr. Sheldon to explain	10/18/17	0:12	80
Petition for Attorney Fees	10/20/17	2:00	800
email from Carl referencing an \agreement\" to give up entire hard drive to Carl's expert"	05/03/17	0:06	40
email from and to Carl re communications with Mr. Sheldon	05/05/17	0:06	40
email to Carl Crowell re anticipated meeting with Mr. Sheldon re representation	05/08/17	0:06	40
email to Carl requesting Hash Value discovery	05/18/17	0:06	40
multiple emails with Carl confirming Sheldon denies ever participating in BitTorrent; clarifying potential dismissal option; denying alleged prior \settlement agreement\" ; attempt to clarify whether dismissal with/without prejudice"	05/22/17	0:12	80
email to Carl requesting proposed settlement agreement terms; documenting Carl's representation on phone that \Mr. Sheldon is 100% liable\""	05/23/17	0:12	80
telecom with Giselle Williams confirming Rule 16 personal appearance	05/23/17	0:06	40
review proposed agreement; confer with Sheldon; email to Carl that we will not give him a \right to sue\" for acts that his clients have no interest in...."	05/23/17	0:12	80
confer with Carl Crowell re attorney fees	10/20/17	0:12	80
<b>TOTALS</b>		27	\$10,800

Oregon  
State  
Bar

# OREGON STATE BAR

## 2012 ECONOMIC SURVEY

Addendum Includes Additional Analyses by Race/Ethnicity Categories

**AUGUST 2012 (REVISED JULY 2013)**

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**Billing Rate:** The average, median, 25th percentile, 75th percentile, 95th percentile and high hourly billing rates are included in the following table. This data includes attorneys in private practice working full-time, part-time by choice, or part-time due to lack of legal work. For Oregon, the average and median billing rates of \$242 and \$225 per hour compare to \$213 and \$200 in the 2007 survey.

**Hourly Billing Rate All Respondents – Private Practice**

Hourly Billing Rate	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
Average	\$242	\$284	\$216	\$218	\$230	\$215	\$209	\$190
Median	\$225	\$275	\$210	\$208	\$225	\$200	\$200	\$188
Low	\$20	\$60	\$21	\$20	\$20	\$115	\$45	\$33
25th Percentile	\$180	\$200	\$175	\$170	\$176	\$200	\$165	\$171
75th Percentile	\$295	\$350	\$250	\$275	\$250	\$240	\$243	\$200
95th Percentile	\$405	\$450	\$350	\$323	\$394	\$269	\$300	\$289
High	\$675	\$675	\$525	\$425	\$550	\$375	\$510	\$300
Number of Respondents	964	366	261	91	90	54	72	30

**Total Years Admitted to Practice:** Average, median, 25th percentile, 75th percentile, and 95th percentile hourly billing rates by total years admitted to practice are presented in the following table. This data includes attorneys in private practice working full-time, part-time by choice, or part-time due to lack of legal work. For Oregon, the average and median billing rates were generally higher with more years admitted to practice. Regional data exhibits some variations, but generally follows the trend of higher rates as years of experience increase.

**Hourly Billing Rate by Total Years Admitted to Practice – Private Practice**

Years Admitted		Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
0-3 Years	Average	\$156	\$182	\$143	\$150	\$128	n/a	\$158	n/a
	Median	\$163	\$175	\$150	\$150	\$150	n/a	\$165	n/a
	25th Percentile	\$146	\$163	\$101	\$146	\$113	n/a	\$154	n/a
	75th Percentile	\$185	\$198	\$198	\$175	\$169	n/a	\$165	n/a
	95th Percentile	\$229	\$246	\$220	\$193	\$175	n/a	\$173	n/a
4-6 Years	Average	\$195	\$210	\$192	\$183	\$176	n/a	\$177	n/a
	Median	\$198	\$218	\$200	\$180	\$183	n/a	\$185	n/a
	25th Percentile	\$156	\$160	\$150	\$160	\$169	n/a	\$175	n/a
	75th Percentile	\$233	\$250	\$250	\$213	\$196	n/a	\$200	n/a
	95th Percentile	\$286	\$295	\$269	\$258	\$236	n/a	\$200	n/a

## BILLING PRACTICES

**Hourly Billing Rate by Total Years Admitted to Practice – Private Practice** *Continued*

Years Admitted		Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
7-9 Years	Average	\$228	\$258	\$209	\$208	n/a	n/a	\$168	n/a
	Median	\$225	\$250	\$200	\$185	n/a	n/a	\$173	n/a
	25th Percentile	\$186	\$225	\$187	\$180	n/a	n/a	\$150	n/a
	75th Percentile	\$270	\$295	\$225	\$200	n/a	n/a	\$218	n/a
	95th Percentile	\$334	\$375	\$300	\$280	n/a	n/a	\$236	n/a
10-12 Years	Average	\$247	\$280	\$221	n/a	\$244	n/a	n/a	n/a
	Median	\$240	\$275	\$200	n/a	\$225	n/a	n/a	n/a
	25th Percentile	\$196	\$233	\$176	n/a	\$225	n/a	n/a	n/a
	75th Percentile	\$275	\$300	\$258	n/a	\$228	n/a	n/a	n/a
	95th Percentile	\$369	\$428	\$290	n/a	\$314	n/a	n/a	n/a
13-15 Years	Average	\$253	\$312	\$213	\$247	\$239	n/a	\$180	n/a
	Median	\$250	\$300	\$238	\$265	\$195	n/a	\$175	n/a
	25th Percentile	\$185	\$261	\$153	\$215	\$183	n/a	\$175	n/a
	75th Percentile	\$300	\$379	\$250	\$290	\$278	n/a	\$200	n/a
	95th Percentile	\$428	\$435	\$335	\$298	\$380	n/a	\$200	n/a
16-20 Years	Average	\$226	\$256	\$200	\$243	\$209	\$215	\$215	n/a
	Median	\$225	\$250	\$200	\$250	\$210	\$225	\$225	n/a
	25th Percentile	\$180	\$200	\$155	\$188	\$179	\$210	\$183	n/a
	75th Percentile	\$250	\$300	\$250	\$288	\$228	\$225	\$244	n/a
	95th Percentile	\$350	\$380	\$331	\$335	\$255	\$250	\$264	n/a
21-30 Years	Average	\$267	\$326	\$212	\$225	\$277	\$231	\$203	\$167
	Median	\$250	\$333	\$220	\$220	\$250	\$200	\$200	\$165
	25th Percentile	\$200	\$251	\$175	\$170	\$225	\$200	\$150	\$138
	75th Percentile	\$350	\$399	\$250	\$269	\$300	\$250	\$224	\$206
	95th Percentile	\$450	\$470	\$313	\$319	\$411	\$320	\$300	\$274
Over 30 Years	Average	\$282	\$340	\$259	\$270	\$274	\$229	\$257	\$217
	Median	\$250	\$350	\$250	\$275	\$250	\$225	\$250	\$200
	25th Percentile	\$211	\$275	\$200	\$240	\$229	\$200	\$200	\$195
	75th Percentile	\$350	\$400	\$300	\$300	\$278	\$250	\$275	\$250
	95th Percentile	\$450	\$500	\$375	\$350	\$487	\$275	\$350	\$285



**Area of Private Practice:** For attorneys in private practice, the average, median, 25th percentile, 75th percentile, and 95th percentile hourly billing rate by area of private practice is presented in the following table. This data includes attorneys in private practice working full-time, part-time by choice, or part-time due to lack of legal work. For Oregon, the average hourly billing rates range from a low of \$190 per hour for civil litigation-insurance defense to a high of \$291 for civil litigation-defendant (excludes insurance defense). The highest median billing rate was \$275 for both business/corporate - litigation and business/corporate - transactional. In general, the highest hourly billing rates were in Portland.

#### Hourly Billing Rate by Area of Practice – Private Practice

Area of Private Practice	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast	
Bankruptcy	Average	\$269	\$356	\$231	n/a	n/a	\$259	n/a	n/a
	Median	\$250	\$380	\$225	n/a	n/a	\$250	n/a	n/a
	25th Percentile	\$210	\$305	\$200	n/a	n/a	\$220	n/a	n/a
	75th Percentile	\$320	\$410	\$250	n/a	n/a	\$250	n/a	n/a
	95th Percentile	\$416	\$429	\$312	n/a	n/a	\$350	n/a	n/a
Business/Corporate – Litigation	Average	\$284	\$311	\$252	n/a	n/a	n/a	n/a	n/a
	Median	\$275	\$300	\$248	n/a	n/a	n/a	n/a	n/a
	25th Percentile	\$225	\$255	\$174	n/a	n/a	n/a	n/a	n/a
	75th Percentile	\$328	\$360	\$258	n/a	n/a	n/a	n/a	n/a
	95th Percentile	\$450	\$450	\$459	n/a	n/a	n/a	n/a	n/a
Business/Corporate – Transactional	Average	\$285	\$345	\$235	\$235	\$251	n/a	n/a	n/a
	Median	\$275	\$350	\$240	\$240	\$235	n/a	n/a	n/a
	25th Percentile	\$204	\$281	\$175	\$240	\$200	n/a	n/a	n/a
	75th Percentile	\$350	\$405	\$300	\$275	\$259	n/a	n/a	n/a
	95th Percentile	\$468	\$488	\$350	\$275	\$383	n/a	n/a	n/a
Civil Litigation, Defendant (excludes Insurance Defense)	Average	\$291	\$309	\$233	n/a	n/a	n/a	n/a	n/a
	Median	\$250	\$275	\$235	n/a	n/a	n/a	n/a	n/a
	25th Percentile	\$225	\$225	\$210	n/a	n/a	n/a	n/a	n/a
	75th Percentile	\$375	\$375	\$263	n/a	n/a	n/a	n/a	n/a
	95th Percentile	\$450	\$453	\$293	n/a	n/a	n/a	n/a	n/a
Civil Litigation, Insurance Defense	Average	\$190	\$194	\$179	n/a	n/a	n/a	n/a	n/a
	Median	\$180	\$185	\$170	n/a	n/a	n/a	n/a	n/a
	25th Percentile	\$160	\$165	\$139	n/a	n/a	n/a	n/a	n/a
	75th Percentile	\$205	\$220	\$196	n/a	n/a	n/a	n/a	n/a
	95th Percentile	\$289	\$289	\$256	n/a	n/a	n/a	n/a	n/a